

Zoning Board of Appeals Minutes
August 25, 2020

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff- Chair Kenneth Ying Lawrence Aronow Shuan Butcher Steve West Bob Sisson-Alternate Member		Gabrielle Collard, Division Manager of Current Planning Carreanne Eyler, Office Manager Joe Adkins, Director of Planning & Community Development Rachel Depo, Assistant City Attorney Jessica Murphy, Administrative Assistant

I. ANNOUNCEMENTS: None

II. GENERAL PUBLIC COMMENT: None

III. APPROVAL OF MINUTES:

Approval of the **July 28, 2020** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Aronow moved for approval of the **July 28, 2020** hearing minutes.

SECOND: Mr. West

VOTE: 4-0

IV. PUBLIC HEARING-SWEARING IN:

"Do you solemnly swear or affirm that the responses given, and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth." If so, answer "I do".

V. CONTINUANCES:

A. ZBA20-633CU, Conditional Use, 107 S. East Street

MOTION: Mr. Butcher moved for approval of a 30-day continuance to the September 22, 2020 Zoning Board of Appeals meeting.

SECOND: Mr. Aronow

VOTE: 4-0

B. ZBA20-611CU, Conditional Use, 1800 Weybridge Road

MOTION: Mr. West moved for approval of a 30-day continuance to the September 22, 2020 Zoning Board of Appeals meeting.

SECOND: Dr. Ying
VOTE: 4-0

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

C. ZBA20-630CU, Conditional Use, 1288 Riverbend Way

MOTION: Mr. Racheff moved for approval of conditional use application ZBA20-630CU for the use of a telecommunications facility at 1288 Riverbend Way based on the following findings of fact:

1. The proposed use is in harmony with the Economic Development and Land Use Elements of the 2010 Comprehensive Plan and based on compliance with the applicable criteria of Section 866 of the Code, is also in harmony with the purpose and intent of the Land Management Code.
2. Based on the documentation provided by the Applicant, the characteristics of the use and its operation on the property in question and in relation to adjacent properties will not create any greater adverse impact than the operation of any permitted use not requiring conditional use approval.
3. The proposed use complies with the requirements set forth in Section 866, *Telecommunications Facilities*, as follows:
 - a. The Applicant has provided documentation to demonstrate that the proposed structure will not be a hazard to adjacent properties or constitute a nuisance because of radio interference or other potentially disruptive activity associated with operation of the tower or antenna.
 - b. The request is for the replacement of a high voltage electric transmission tower and the setbacks standard for the structure does not apply to the such structures.
 - c. The setbacks for the ground equipment associated with the structure do not apply as it pertains to a high voltage electric transmission tower and the principal use limits the ability to provide Level I screening as required by Code, however, the ZBA may modify these setbacks and the Applicant has proffered to provide a board-on-board fence surrounding the equipment enclosure and to provide supplemental low-level screening on its perimeter to provide adequate screening.
 - d. The Applicant has demonstrated that there is not a technically suitable space available on an existing communications tower within the geographic area that the new site is to serve.
 - e. The Applicant has demonstrated that the new structure supporting the antennas and the utility provider will be consistent with the existing towers on the site and that the new structure will not adversely impact any historic vistas or gateways to the City.
 - f. The Applicant has provided a statement from a structural engineer indicating that the structure is strong enough to support the equipment of three carriers as proposed.
 - g. The Applicant has provided a statement from a licensed professional radio frequency engineer stating that the antenna for both Verizon and AT&T meet the radio frequency safety standards as established by the FCC.

- h. The Applicant has provided documentation from First Energy, parent company of Potomac Edison, confirming the contractual arrangements between the operator and the owner as established in Section 866(a)(9).
- i. The Applicant acknowledges and commits to compliance with the applicable local, state and federal laws, rules and regulations.
- j. The Applicant has provided the agent authorizations necessary to file the application for conditional use approval.
- k. The proposed structure exceeds the maximum height permitted in residential districts; however, the Property is not zoned residentially, and the Applicant has demonstrated that its visual profile and appearance would make no substantial change in the character of the area.

With the conditions that:

1. With the final site plan submission, the Applicant must document the proposal for a board-on-board fence surrounding the new ground equipment and provide low-level shrubbery on the exterior of the fence.
2. That with subsequent building permit applications for new antennas by other carriers, a statement by a Radio Frequency Engineering certifying that the equipment will not result in radio interference or other potentially disruptive activity in association with the operation of the antenna be provided and that this requirement be noted on the final site plan.

SECOND: Mr. Aronow

VOTE: 4-0

VIII. BOARD BUSINESS: None

IX. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- ZBA20-578ZD, Renn Family LLC
 - ZBA20-661ZD, 605 E. Church Street
 - ZBA20-662ZD, 1001 Carroll Parkway
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X. ADJOURNMENT

Meeting adjourned approximately at 8:00 p.m.

Respectfully Submitted,
Jessica Murphy
Administrative Assistant